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18 *Attorneys for Plaintiff Wyoming Intellectual Property*

19 *Holdings, LLC*

20 **IN THE UNITED STATES DISTRICT COURT**

21 **FOR THE DISTRICT OF ARIZONA**

22 Wyoming Intellectual Property Holdings, LLC,

23 Plaintiff,

24 v.

25 Trackman, Inc.,

26 Defendant.

Case No. 2:23-cv-02518-JJT

**DECLARATION OF RANDALL  
GARTEISER IN SUPPORT OF  
PLAINTIFF WYOMING  
INTELLECTUAL PROPERTY  
HOLDINGS, LLC'S RESPONSE  
TO ORDER TO SHOW CAUSE  
(DKT. NO. 20)**

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2  
3 I, Randall Garteiser, hereby declare:

4 1. I am an attorney at Garteiser Honea, PLLC. I am counsel of record for  
5 Plaintiff in this case. I have personal knowledge of the facts provided herein, and I  
6 could competently testify to them if called as a witness.

7 2. I make this declaration in support of Plaintiff's response to the Court's  
8 Order to Show Cause.

9 3. Attached hereto as Exhibit 1 is a true and correct copy of a redline of the  
10 differences between the Original Complaint and the Amended Complaint.

11 4. As part of my meet and confer obligation, I asked opposing counsel if  
12 there was any additional reason for dismissal of the Original Complaint. In response,  
13 local counsel for defendant, as opposed to lead counsel responded, and indicated that  
14 lead counsel did not have any additional reasons for dismissal at this time. Based on  
15 my 20 years of experience in patent litigation, I was under the impression that  
16 Defendant would be filing an answer denying infringement. However, I was incorrect  
17 and instead Defendant filed a motion to dismiss, as they indicated in their  
18 correspondence to me that they would, but I did not believe they actually thought they  
19 had a good faith basis to believe. I was surprised when I prepared an opposition to  
20 learn the only objection was the typo that I had already discussed with Lead Counsel  
21 for Defendant Mr. Weingartner. And I was completely caught off-guard by the  
22 Court's *sua sponte* motion for sanctions. I remain 100% accountable because I am  
23 Lead Counsel. I remain consistent that Lead Counsel for Defendant, under the Court's  
24 Order, had an equal obligation to me as Lead Counsel for Plaintiff, to disclose any  
25 additional obligation for dismissal, as I requested. In hindsight, this appears to be a  
26 big misunderstanding where local counsel for defendant provided the perception to  
27  
28

1 me that lead counsel did not have any additional bases for dismissal, so pressure, at  
2 the last minute over a weekend, was applied to me by Defendant's local counsel, as a  
3 cover for a lead counsel that was not available, understandably, on Saturday or Sunday  
4 before the response of the Defendant.

5 I declare under penalty of perjury that the foregoing statements are true and  
6 correct to the best of my personal knowledge.  
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8 Executed on March 1, 2024, in Tyler, Texas.  
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10 By: /s/ Randall Garteiser  
11 Randall Garteiser  
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